

REMARKS

Favorable reconsideration of this application, in view of the present amendments and in light of the following discussion, is respectfully requested.

These amendments are submitted in accordance with 37 C.F.R. § 1.116, which after final rejection permits the entry of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action or presenting rejected claims in better form for consideration on appeal. It is believed that the present amendments place the claims in condition for allowance without need of further search and consideration. Therefore, it is respectfully requested that the present amendment be entered under 37 C.F.R. § 1.116.

After entry, Claims 1, 4-5 and 7-17 are pending. Claims 1, 4, 16 and 17 are amended to further clarify the features contained therein, and Claim 2 is canceled without prejudice or disclaimer. No new matter is introduced.

In the outstanding Office Action, Claims 1-2, 4-5, 7-9 and 12-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Eberbach (U.S. Patent No. 4,885,782) in view of Fujita (U.S. Patent No. 5,812,685) and Willems (U.S. Patent Application Publication No. 2002/0025047); Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Eberbach, Fujita and Willems in further view of Packard (U.S. Patent No. 7,035,417); and Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Eberbach, Fujita and Willems in further view of Hirade (U.S. Patent No. 7,119,267).

With regard to the rejection of Claims 1-2, 4-5, 7-9 and 12-17 as being unpatentable over Eberbach, Fujita and Willems, Claim 1 is amended to recite, *inter alia*, an audio signal processing apparatus adapted for delivering an audio signal to a speaker system, which includes:

a single high-frequency drive unit to receive at least high-frequency components of the separate frequency components;

a single low-frequency drive unit to receive at least low-frequency components of the separate frequency components, the single low-frequency drive unit having a different acoustic center than the single high-frequency drive unit...

The primary reference, Eberbach, describes a loudspeaker driver that compensates for relative positioning of high frequency and low frequency drivers using a cross-over circuit (28) and a delay (30).¹ Eberbach describes that two low-frequency drivers (22 and 24) are symmetrically located above and below a high frequency driver (26) at an equal distance thereto to achieve wide angle dispersion and accurate phase response.²

However, Eberbach does not describe a speaker arrangement having a single low-frequency speaker and a single high-frequency speaker arranged on different acoustic centers. Instead, Eberbach describes only symmetrical speaker arrangements where either the high-frequency speaker and low-frequency speaker share a same acoustic center, or where the high-frequency speaker is flanked by two or more low-frequency speakers.³ Further, Eberbach describes that the speakers must be arranged symmetrically in order to achieve wide angle dispersion with accurate phase response.⁴ In contrast, amended Claim 1 recites a single high-frequency drive unit to receive at least high-frequency components of the separate frequency components and a single low-frequency drive unit to receive at least low-frequency components of the separate frequency components, where the single low-frequency drive unit has a different acoustic center than the single high-frequency drive unit. Therefore, Eberbach fails to disclose the claimed single high-frequency and single low-frequency drive units, and neither Fujita nor Willems cure this deficiency. Accordingly, no combination of Eberbach,

¹ Eberbach at column 1, lines 18-45 and column 3, lines 34-45; see also Figures 2-3.

² Eberbach at column 3, lines 34-67; see also Figures 2-3.

³ See, for example, Figures 1-6 of Eberbach.

⁴ Eberbach at column 3, lines 55-61.

Fujita and Willems describes every feature recited in amended Claim 1, and amended Claim 1 is believed to be in condition for allowance, together with any claims depending therefrom.

Moreover, amended Claims 4 and 16-17 recite features substantially similar to those recited in amended Claim 1, and are therefore believed to be in condition for allowance for substantially similar reasons, together with any claims depending therefrom. Accordingly, it is respectfully requested that the rejection of Claims 1-2, 4-5, 7-9 and 12-17 under 35 U.S.C. § 103(a) be withdrawn.


As all other rejections of record rely upon Eberbach for describing the above-distinguished features, and the above-distinguished features are neither disclosed nor suggested by Eberbach, alone or in combination with any other art of record, it is respectfully submitted that a *prima facie* case of obviousness cannot be maintained. Accordingly, it is respectfully requested that the rejection of Claims 10-11 under 35 U.S.C. § 103(a) be withdrawn.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 1, 4-5 and 7-17 is earnestly solicited.

Should, however, the above distinctions be found unpersuasive, Applicants respectfully request that the Examiner provide an explanation via Advisory Action under M.P.E.P. § 714.13 specifically rebutting the points raised herein.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Aldo Martinez', is written over a horizontal line.

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